

Appl. No. 10/624,769
CRN319PA

Remarks

In the Office Action dated January 14, 2005, claims 25-30 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,974,892 to Huard; and claims 1-5 and 9-21 were rejected under 35 U.S.C. § 103 as being unpatentable over the '892 patent when taken in view of U.S. Patent No. 6,595,306 B2 to Trego et al. The Office Action indicates that claims 6-8, 22-24 and 31-33 recite allowable subject matter.

A telephonic interview was conducted between Applicants' Representative Robert L. Showalter and Examiner Jeffrey Restifo on January 28, 2005. During the interview, the Examiner indicated that claims 1 and 14 may define patentably over the applied prior art if those claims are amended to recite that the support pad main body includes a plurality of ribs which are flexible relative to a base section of the main body, and the main body is adapted to be contacted by an operator's knee while the operator is controlling the truck. With this paper, claims 1 and 14 have been amended in the manner discussed during the interview. Support for these amendments can be found on page 8, lines 7, 8, 15, 16 and 21-23, and in Fig. 3. No new matter is involved. Accordingly, it is submitted that the Huard and Trego et al. patents, whether taken singly or in combination, do not disclose, teach or suggest the subject matter set out in claims 1-24.

Claim 17 has been canceled and claims 4, 18 and 20 have been amended in view of the amendments to claims 1 and 14. No new matter is involved.

With this paper, claim 25 has been amended to recite "wherein a first portion of said pad main body is spaced a distance away from said wall member when a force is not being applied to said pad main body first portion such that a pocket is defined behind said first portion." The automotive guard in the '892 patent lacks a first portion spaced a distance away from a side wall member such that a pocket is defined behind the first portion. Accordingly, it is submitted that claim 25 and dependent claims 26-34 define patentable subject matter over the '892 patent.

With this paper, new claim 35 has been added. It is submitted that claim 35 also defines patentably over the applied prior art.

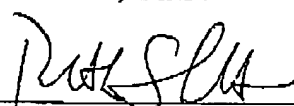
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In view of the above amendments and remarks, applicant submits that claims 1-35 define patentably over the prior art. Early notification of allowable subject matter is respectfully requested.

Respectfully submitted,

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